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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,439

06/10/2005

David Cheng

45259.00002.UTL1

3890

36183

7590

02/25/2009

PAUL, HASTINGS, JANOFSKY & WALKER LLP  
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EXAMINER

MIRZA, ADNAN M

ART UNIT

PAPER NUMBER

2445

MAIL DATE

DELIVERY MODE

02/25/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/538,439	<b>Applicant(s)</b> CHENG ET AL.	
	<b>Examiner</b> ADNAN M. MIRZA	<b>Art Unit</b> 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/06/2006;08/07/2008</u> .                                   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (U.S. 5941,996) and further in view of Walbeck et al (U.S. 7,401,120).

As per claims 1,7,14 Smith disclosed a system for tracking and managing data over a computer network including a plurality of application computers each operating an computer software application program, the system comprising: a key master; a system startup module connected to the key master; a gatekeeper connected to the system startup module; a task manager connected to the key master and the gatekeeper; a central database connected to the gatekeeper (col. 3, lines 34-49); a plurality of agents connected to the task manager; each of a plurality of sub-agents independently connected to each of the plurality of agents and each of the plurality of application computers (Col. 3, lines 51-61),

However Smith did not disclose in detail an alert dispatcher connected to the system startup module and the gatekeeper.

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In the same field of endeavor Walbeck disclosed, “The event handler 310 and the rules engine 314 are responsible for activities that occur as a result of state changes occurring in client nodes. The rules engine 314 interprets rules associated with a state change, and is responsible for scheduling notifications or CAL send requests that might be triggered as a result of the rules evaluation. The rules engine 314 works with the node database 308 and the event handler 310. The event handler 310 processes event queues and performs event notification. These event notifications include internal notifications to other components of the gateway 300 and external notifications to applications 302 that have registered to receive event notifications (col. 7, lines 22-33).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated The event handler 310 and the rules engine 314 are responsible for activities that occur as a result of state changes occurring in client nodes. The rules engine 314 interprets rules associated with a state change, and is responsible for scheduling notifications or CAL send requests that might be triggered as a result of the rules evaluation. The rules engine 314 works with the node database 308 and the event handler 310. The event handler 310 processes event queues and performs event notification. These event notifications include internal notifications to other components of the gateway 300 and external notifications to applications 302 that have registered to receive event notifications as taught by Walbeck in the method and system Smith to simplify the reporting of the events and alert/notifications regarding different services and applications.

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2. As per claims 2,9,16 Smith-Walbeck disclosed wherein the alert dispatcher provides an alert comprising an email message (Walbeck, col. 8, lines 65-67 & col. 9, lines 1-2).
3. As per claims 3,10,17 Smith-Walbeck disclosed wherein the alert dispatcher provides an alert comprising an electronic instant message (Walbeck, col. 11, lines 8-19).
4. As per claims 4,11,18 Smith-Walbeck disclosed wherein the alert dispatcher provides an alert comprising a paging message (Walbeck, col. 14, lines 8-17).
5. As per claim 5 Smith-Walbeck disclosed wherein the system uses a Linux operating system (Walbeck, col. 17, lines 6-16).
6. As per claims 6,19 Smith-Walbeck disclosed wherein the central database comprises a plurality of independent databases (Smith, col. 9, lines 19-25).
7. As per claims 8,15 Smith-Walbeck disclosed wherein the method further comprises the step of alerting an operator with an alert notification of a shutdown of the one of the plurality of application computers (Walbeck, col. 7, lines 22-33).
8. As per claims 12,20 Smith-Walbeck disclosed wherein the method comprises the steps of: retrieving the message; and viewing the message (Walbeck, col. 7, lines 22-33).

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9. As per claims 13,21 Smith-Wallbeck disclosed wherein the lowest common format comprises TCP/IP, FTP, or SNA (Walbeck, col. 17, lines 6-16).

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

11. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B Burgess can be reached on (571)-272-3949. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

/Adnan M Mirza/

Examiner, Art Unit 2445

/Larry D Donaghue/

Primary Examiner, Art Unit 2454